IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.5054 OF 2007
IN
FIRST APPEAL NO. 2364 OF 2007

Smt. Bhartiben Bharatkumar Desai .... Appellant.

V/s.

Dhirubhai Chhotubhai Desai & Ors. .... Respondents.

Mr. Atul G. Damale for the appellant.

Mr. Kishore Patil i/b Mr. P.N. Joshi for Respondent Nos. 3 to 5.

CORAM : D.K. DESHMUKH &
V.M. KANADE, JJ.
DATE : 26th November, 2007.
P.C.:

There is considerable substance in the case of the other side that due to the provisions of Order I Rule 9 of the Civil Procedure Code, suit of the plaintiff for partition is barred. We do not see any case made out for grant of any interim relief. Even today, there is no application made for amendment in the plaint. Civil Application is disposed of.

(D.K. DESHMUKH, J.)

(V.M. KANADE, J.)